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[62 FR 42668, Aug. 8, 1997. Redesignated and amended at 63 FR 29479, 29487, May 29, 1998]

**§ 250.1402 Definitions.**

Terms used in this subpart have the following meaning:

*Case file* means an MMS document file containing information and the record of evidence related to the alleged violation.

*Civil penalty* means a fine. It is an MMS regulatory enforcement tool used in addition to Notices of Incidents of Noncompliance and directed suspensions of production or other operations.

*I, me* in a question or *you* in a response means the person, or agent of a person engaged in oil, gas, sulphur, or other minerals operations in the Outer Continental Shelf (OCS).

*Person* means, in addition to a natural person, an association (including partnerships and joint ventures), a State, a political subdivision of a State, or a private, public, or municipal corporation.

*Reviewing Officer* means an MMS employee assigned to review case files and assess civil penalties.

*Violation* means failure to comply with the Outer Continental Shelf Lands Act (OCSLA) or any other applicable laws, with any regulations issued under the OCSLA, or with the terms or provisions of leases, licenses, permits, rights-of-way, or other approvals issued under the OCSLA.

*Violator* means a person responsible for a violation.

**§ 250.1403 What is the maximum civil penalty?**

The maximum civil penalty is \$25,000 per day per violation.

[64 FR 9065, Feb. 24, 1999]

**§ 250.1404 Which violations will MMS review for potential civil penalties?**

MMS will review each of the following violations for potential civil penalties:

(a) Violations that you do not correct within the period MMS grants;

(b) Violations that MMS determines may constitute, or constituted, a threat of serious, irreparable, or immediate harm or damage to life (including fish and other aquatic life), property, any mineral deposit, or the marine, coastal, or human environment; or

(c) Violations that cause serious, irreparable, or immediate harm or damage to life (including fish and other aquatic life), property, any mineral deposit, or the marine, coastal, or human environment.

(d) Violations of the oil spill financial responsibility requirements at 30 CFR part 253.

[62 FR 5331, Feb. 5, 1997. Redesignated and amended at 63 FR 29479, 29487, May 29, 1998; 63 FR 42711, Aug. 11, 1998; 64 FR 9066, Feb. 24, 1999]

**§ 250.1405 When is a case file developed?**

MMS will develop a case file during its investigation of the violation, and forward it to a Reviewing Officer if any of the conditions in § 250.1404 exist. The Reviewing Officer will review the case file and determine if a civil penalty is